

REMARKS

Claims 1-17 are pending in the application.

The drawings stand objected to under 37 CFR 1.83(a) as failing to show every feature of the invention specified in the claims. The Examiner indicates that the recited "first volume", "second volume" and "dispersion head" must be shown or the features cancelled from the claims. Applicant requests reconsideration of the Examiner's position.

Referring to Fig. 1 and the text at paragraph 18, applicant notes that the drawing specifically illustrates a disperser 28. Disperser 28 can be a porous dispersion head or shower head, for example, as set forth at paragraph 18. Accordingly, the recited dispersion head is sufficiently shown in the drawing.

With respect to the recited first volume and second volume, applicant notes that such are not recited in isolation. Rather referring to claim 13, for example, what is recited is a containment reservoir having a second volume and a deposition chamber having a first volume. A deposition chamber having a first volume is illustrated in the figure and is labeled as feature number 12. A containment reservoir having a second volume (14 or 30) is also clearly illustrated and identified in the figure. Accordingly, the recited deposition chamber having a first volume and the containment reservoir having a second volume are sufficiently illustrated in the drawing to meet the requirements of 37 CFR 1.83(a). Accordingly, applicant respectfully requests withdrawal of the objection to the drawings in the Examiner's next action.

Claims 1-11 and 17 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Gadgil (U.S. Patent No. 5,284,519). Such claims stand alternatively rejected under 35 U.S.C. § 103(a) as being unpatentable over Gadgil or a combination of Gadgil and Lee

(U.S. Patent No. 6,086,679). Claims 4 and 12-16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over a combination of Gadgil and Lee. The Examiner is reminded by direction to MPEP § 2131 that anticipation requires each and every element of a claim to be disclosed in a single prior art reference. The Examiner is further reminded by direction to MPEP § 2143 that a proper obviousness rejection has the following three requirements: 1) there must be some suggestion or motivation to modify or combine reference teachings; 2) there must be a reasonable expectation of success; and 3) the combined references must teach or suggest all of the claim limitations. Claims 1-17 are allowable over Gadgil, individually or as combined with Lee, for at least the reason that the references fail to disclose or suggest each and every element in any of those claims.

Each of claims 1, 13 and 17 recites a deposition system or apparatus comprising a deposition chamber and a containment reservoir which is external to the deposition chamber where the reservoir is in fluid communication with the deposition chamber through an inlet of the deposition chamber. The Examiner indicates at page 3 of the present Action that Gadgil is relied upon as disclosing a system having a deposition chamber 2 as depicted in Fig. 18. The Examiner indicates further reliance on Gadgil as disclosing a first reservoir 44 as depicted in Fig. 2. Applicant notes with reference to Figs. 18, 1 and 2 that chamber 44 is encompassed within the portion of the device having numeric identifier number 2 which the Examiner interprets as being a deposition chamber. Accordingly, reservoir 44 does not teach or fairly suggest a reservoir that is external to a deposition chamber as recited in claims 1, 13 and 17.

As set forth in applicant's previous response, Lee discloses a quartz chamber 524 which is fully contained within a deposition chamber 520 as illustrated in Fig. 5, and as

discussed at column 4, lines 8-29. Such does not disclose or suggest the claims 1, 13 and 17 recited reservoir external to a deposition chamber. In combination, Lee and Gadgil fail to disclose or suggest the claim 1, 13 and 17 recited reservoir disposed external to a deposition chamber. Accordingly, claims 1, 13 and 17 are not anticipated by Gadgil or rendered obvious by the combination of Gadgil and Lee.

With respect to claim 1 the Examiner further indicates that the recited “metastable-specie generating catalyst within the first reservoir” is an intended use. However, such limitation is fully within the body of the claim and is a physical limitation, not an intended use. The Examiner indicates reliance upon MPEP § 2106 with respect to intended use rejection of claim 1. However, applicant notes that such section of the MPEP addresses computer-related inventions. Since the present application and the pending claims are not directed toward computer-related subject matter, such reliance upon MPEP § 2106 is improper. If such rejection is to be upheld applicant requests full explanation of the applicability of such section or citing of an appropriate section as a basis of such rejection. Applicant additionally notes that the Examiner’s reliance upon MPEP § 2111.02 is equally improper since such is clearly identified as applying to determination of the affect of the claim preamble while the recitation at issue is within the body of the claim.

Independent claims 2-12 and 14-16 are allowable over Gadgil and Lee for at least the reason that they depend from corresponding allowable base claims 1 and 13.

For the reasons discussed above, claims 1-17 are allowable. Accordingly, applicant respectfully requests formal allowance of such pending claims in the Examiner’s next action.

Respectfully submitted,

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